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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/774,832 | 02/09/2004 | Douglas L. Sevey | 826.001 | 9783 |
| 23598 | 7590 | 08/20/2007 | EXAMINER | |
| BOYLE FREDRICKSON S.C. 840 North Plankinton Avenue MILWAUKEE, WI 53203 | | | TORRES, ALICIA M | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3671 | | |
| | | NOTIFICATION DATE | DELIVERY MODE | |
| | | 08/20/2007 | ELECTRONIC | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

| | | |
|------------------------------|------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/774,832 | SEVEY, DOUGLAS L. |
| | Examiner | Art Unit |
| | Alicia M. Torres | 3671 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 June 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-11, 13, 14, 20, 22 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-11, 13, 14, 20, 22, 27-29 and 31 is/are rejected.
- 7) Claim(s) 26 and 30 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 February 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Claim Objections

1. Claims 3 and 4 are objected to because of the following informalities: there is lack of antecedent basis for "the second vertical pivot axis". A single vertical pivot axis is set forth in claim 2, from which claims 3 and 4 depend, which is located at the outer ends of the linkage arrangement. For purposes of examination, the second vertical pivot axis will be taken to be located at the mounting pins of the linkage mounting arrangement as shown in Figure 1 of the invention. Appropriate correction is required.
2. Claim 13 is objected to because of the following informalities: there is lack of antecedent basis for "the accessory mounting member" in line 26. A vertical pivot member and an accessory mounting arrangement have been set forth. It appears "the accessory mounting member" should be changed to —the accessory mounting arrangement—. Appropriate correction is required.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylindrical sleeve of claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

DETAILED ACTION

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-11, 13, 14, 20, 22, 27, 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence 2,603,249 in view of Thoen et al. 3,115,739.

6. Regarding claims 2-11, 20, 27, Lawrence discloses a system for mounting an accessory to a vehicle comprising:

- A linkage arrangement (18) interconnected with the rear of the vehicle (10) including a pair of vertically spaced link members (30, 32) defining an inner end and an outer end

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- A vertical pivot member or bar (50) defining a vertical pivot axis (around which the saw 54 rotates) mounted between and interconnecting the spaced apart outer ends of the link members (30, 32)
- An accessory (54) interconnected with the vertical pivot member (50) so as to be suspended from the ground and supported solely by the linkage arrangement (18)
- A linkage mounting arrangement (generally 12, 14, 22, 24, 26) defining a horizontal axis pivot connection (at the points shown in Figure 1 where link members 30, 32 connect to 26) to which the inner end of each link member (30, 32) is secured to the vehicle (10), and wherein the linkage mounting arrangement (12, 14, 22, 24, 26) includes
 - upper and lower mounting brackets (24, lower bracket not shown) interconnected with the vehicle (10)
 - vertically oriented pivot pins (unnumbered pins shown for connection through the bracket holes shown in Figure 5, pins shown in Figure 1) that pivotably mount the link members (30, 32) to the upper and lower mounting brackets (24) for movement about the second vertical pivot axis (through shaft 12)\
 - upper and lower mounting plates (20, 22) pivotably secured to the upper and lower mounting brackets (24), respectively, via the vertically oriented pivot pins (unnumbered, shown in Figure 1), wherein each link member (30, 32) is secured to one of the mounting plates (20, 22) via a horizontally oriented pivot pin (unnumbered horizontal pins shown in Figure 1 at the connection of 30, 32 to vertical bar 26) that provides vertical pivoting movement of the link member (30, 32) relative to one of the upper and lower mounting brackets (24)

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- A manually operated handle (34) that can be raised and lowered to pivot the link members (30, 32) about the horizontal axis pivot connection (at 26) to provide vertical movement of the link members (30, 32) and the vertical pivot member (50) and the accessory (54) relative to the vehicle (10) between a raised and lowered position
- A biasing arrangement (42) for resiliently biasing the linkage (18) toward the raised position interconnected between the linkage mounting arrangement (22, 24, 26) and one of the link members (30)
- Wherein the linkage mounting arrangement (12, 14, 22, 24, 26) is constructed and arranged to enable the linkage arrangement (18) and the accessory (54) to be moved about the second vertical pivot axis (through shaft 12) to either a first side of the vehicle (10) or a second side of the vehicle (10, in this case, spring 64 allows the accessory 54 to rotate about the second vertical axis so that the accessory will rotate toward the bottom of the page in Figure 2 i.e. to the right side of the vehicle)
- Wherein the linkage mounting arrangement (12, 14, 22, 24, 26) includes a vertical axis pivot connection (12, 14) to which the inner ends of each link member (30, 32) is secured for providing pivoting movement of the link members (30, 32) about a second vertical pivot axis (through shaft 12) spaced inwardly from the first-mentioned vertical pivot axis (through 50).

However, Lawrence fails to disclose wherein the accessory defines a working end spaced outwardly from and movable about the vertical pivot axis between a first position wherein the working end of the accessory is located on a first side of the linkage arrangement and is located

on a second side of the linkage arrangement, opposite the first side, when the accessory is in a second position; and

Wherein the accessory is located outwardly of the vertical pivot member, also the vertical pivot bar, via an accessory mounting arrangement defining an inner end interconnected with the vertical pivot member and an outer end to which the accessory is secured;

Wherein the linkage arrangement is mounted to a side of the vehicle;

Wherein the biasing member comprises a gas spring cylinder.

Thoen et al. discloses a similar accessory mounting device with a linkage arrangement (11) mounted to a side of the vehicle (12) wherein the accessory (76) has a working end spaced outwardly from and movable about the vertical pivot axis (at 52) between a first position wherein the working end of the accessory (76) is located on a first side of the linkage arrangement (11) and is located on a second side of the linkage arrangement (11) in a second position (see the full and dashed lines of accessory 76 in Figure 1);

Wherein the accessory (76) is located outwardly of the vertical pivot member or bar (52) via an accessory mounting arrangement (64) defining an inner end interconnected with the vertical pivot member or bar (52) and an outer end to which the accessory (76) is secured;

Wherein the vertical pivot bar (52) extends through a cylindrical sleeve (60), wherein the accessory (76) is mounted to the cylindrical sleeve (60) for movement about the vertical pivot axis (at 52);

Wherein the biasing member (44) is a gas spring cylinder.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further extend the accessory of Lawrence outwardly from the vertical pivot member

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as taught by Thoen et al.'s mower in order to provide a mower that will swing around to avoid obstacles while still providing accurate cutting around them since it is impossible to steer a vehicle around such obstacles.

Additionally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount Lawrence's linkage arrangement on the side of the vehicle as shown by Thoen et al. in order to mow around fences and other obstacles.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the gas spring cylinder of Thoen et al. as an alternative biasing means to Lawrence's spring biasing member since both provide the same function and work equally well.

7. Regarding claims 13, 14, 22, 28 and 31, Lawrence discloses a system for mounting an accessory to a vehicle comprising:

- A linkage (18) including vertically spaced apart first and second link members (30, 32) defining an inner end and an outer end
- A linkage mounting arrangement (22, 24, 26), interconnecting the vehicle (10) and the inner end of each link member (30, 32), defining a first, vertical pivot axis and a second, horizontal pivot axis, both of which are defined by first (12) and second (joints of link members 30, 32 to 26) pivot members, respectively
- A vertical pivot member (50) mounted between the spaced apart outer ends of the link members (30, 32) defines a third, vertical pivot axis, wherein the accessory (54) is mountable to the vertical pivot member (50) for connection to the vehicle (10)

through the first and second link members (30, 32) and the linkage mounting arrangement (22, 24, 26)

- A biasing member (42) interconnected between the linkage mounting arrangement (12, 14, 22, 24, 26) and one of the link members (30), for resiliently biasing the linkage (18) toward a raised position about the second axis
- A manually operated handle (34) that can be raised and lowered to pivot the link members (30, 32) about the horizontal axis (where the link members 30, 32 connect to 26)
- Wherein the inner ends of the first and second link members (30, 32) are connected to respective first and second pivot plates (20, 22), and wherein the second axis (horizontal axis) is defined by vertically aligned pivot pins (unnumbered pins at the joining of 30, 32 to vertical bar 26 shown in Figure 1) forming a part of the linkage mounting arrangement (generally 12, 14, 22, 24, 26). Although the vertically aligned pivot pins extend through openings in the bar (26) abutting the first and second pivot plates, it would well within the skill of one in the art to combine the vertical bar (26) and the vertical pieces of the brackets (20, 22) into one continuous piece, so that the pins would extend through the brackets. However, barring any unexpected results, the structure of Lawrence appears to work as well as the invention.

However, Lawrence fails to disclose wherein the accessory defines a working end spaced outwardly from and movable about the third, vertical pivot axis for movement between a first position wherein the working end of the accessory is located on a first side of the linkage and a second position wherein the linkage is located opposite the first side;

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Wherein the accessory is interconnectable with and pivotable about the vertical pivot member and therefore the third, vertical pivot axis via an accessory mounting arrangement defining an inner end interconnected with the vertical pivot member and an outer end to which the accessory is secured, wherein the working end of the accessory is located outwardly of the accessory mounting member;

Wherein the biasing member comprises a gas spring cylinder.

Thoen et al. discloses a similar accessory mounting device wherein the accessory (76) defines a working end spaced outwardly from and movable about the third, vertical pivot axis (52) for movement between a first position wherein the working end of the accessory (76) is located on a first side of the linkage (11) and a second position wherein the accessory (76) is located opposite the first side;

Wherein the accessory (76) is interconnectable with and pivotable about the vertical pivot member (60) and therefore the third, vertical pivot axis (52) via an accessory mounting arrangement (64) defining an inner end interconnected with the vertical pivot member (60) and an outer end to which the accessory (76) is secured, wherein the working end of the accessory (76) is located outwardly of the accessory mounting member (64);

Wherein the biasing member (44) is a gas spring cylinder.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further extend the accessory of Lawrence outwardly from the vertical pivot member as taught by Thoen et al.'s mower in order to provide a mower that will swing around to avoid obstacles while still providing accurate cutting around them since it is impossible to steer a vehicle around such obstacles.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the gas spring cylinder of Thoen et al. as an alternative biasing means to Lawrence's spring biasing member since both provide the same function and work equally well.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence and Thoen et al. as applied to claim 28 above, and further in view of Mullet et al. 4,629,006.

The device is disclosed as shown above. However, Lawrence and Thoen et al. fail to disclose a brace that supports the handle on the vertical pivot member.

Mullet et al. discloses a similar accessory mounting system wherein including a brace (38) that supports the handle (42) on the vertical pivot member (16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the handle of Lawrence and Thoen et al.'s device on the vertical pivot member with a brace as disclosed by Mullet et al. in order to provide the driver with convenient adjustment, in multiple directions, of the attached accessory.

Response to Arguments

9. Applicant's arguments with respect to claims 2-11, 13, 14, 20, 22, 27-29 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

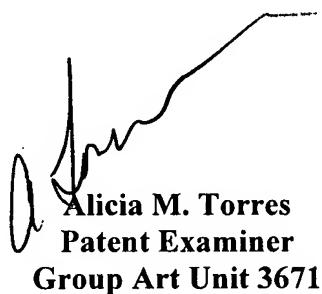
10. Claims 26 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Friday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-3600. The fax number for this Group is 571-273-8300.



Alicia M. Torres
Patent Examiner
Group Art Unit 3671

AMT
August 14, 2007